

June 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0186

STATE OF MONTANA,

Plaintiff and Appellant,

v.

SHANARA ANDERSON,

Defendant and Appellee.

FILED

JUN 14 2010

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

APPELLANT'S MOTION TO DISMISS AND NOTICE TO THE COURT

Pursuant to Rule 16 (4), the Appellant, State of Montana, moves for voluntary dismissal of this State appeal, which concerns the district court's *Findings of Fact, Conclusions of Law, And Order Re: Defendant's Motion to Suppress*. (D.C. Doc. 222.) Opposing counsel has no objection.

On June 14, 2010, the State will file its response to Anderson's petition for a writ of supervisory control in *Shanara Rose Anderson, Petitioner, v. Montana Eighteenth Judicial District Court Gallatin County, And The Honorable Mike Salvagni, Presiding Judge, Respondents* (No. OP 10-0235). As the State will discuss in its response to Anderson's petition, the State will be filing a petition for a writ of supervisory control of its own concerning the district court's *Decision and Order Re: Defendant's Motion To Strike Amended Just Notice and Objections to*

State's Just Notice, (D.C. Doc. 230), which is not an appealable order. Mont. Code Ann. § 46-20-103(2). State v. Strizich, 286 Mont. 1, 952 P.2d 1365 (1997). The State will file its petition on or before June 18, 2010.

Respectfully submitted this 14th day of June, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Appellant's Motion to Dismiss to be mailed to:

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DATED: 6/14/10 Mark Matholi